

Appl. No. 10/608,885
Response Dated October 15, 2004
Reply to Office action of September 9, 2004

under 35 U.S.C. 102(e) as being anticipated by Laverty et al., (6,509,974).” The patent number 6,509,974 is associated with the Hansen patent cited by the Examiner in Section 4 of the Detailed Action. To reconcile this discrepancy, the Examiner’s column and line references in the Detailed Action were compared with the Hansen reference and with the three Laverty patents identified in the Information Disclosure Statement. This comparison indicated that the Examiner intended to reference Laverty patent 6,362,895. All references to “Laverty” below will, therefore, be references to the ‘895 patent.

Pending claims 1-15 are directed to methods for creating an electronic product design. The process disclosed by Laverty for creating an electronic product design does not suggest the Applicants’ claimed methods, but, in fact, teaches away from the methods claimed by Applicants. A detailed comparison of the teachings of Laverty in connection with claim 1 reveals the deficiencies of Laverty as a reference against Applicants’ pending claims. Applicants respectfully submit that Laverty does not in any way disclose or suggest the methods of claims 1-15.

Claim 1 recites, “providing one or more product design software tools to a user computer, the tools being adapted to execute in the browser of the user computer”. In applying Laverty to this portion of claim 1, the Examiner refers to the modules mentioned in the abstract and to step 1212. Regarding the “modules” mentioned in the first sentence of the abstract, the Laverty abstract is incorrect, or at least misleading, in this regard. Despite the allusion in the abstract to a “customer setup module”, no such module is disclosed in the Laverty specification or figures. The only module related to setting up a product design described in Laverty is product setup module 409. “Customer setup” in Laverty is described as a process that is performed using customer setup module 409. (See Fig. 14 and column 19, lines 20-22.)

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Also, no support is found in Lavery for the Examiner's position that the product setup module is "adapted to execute in the browser of the user computer". The only thing shown in Fig. 4 as being downloaded to the user computer 404 is Print Ready File 422 for the user's viewing. There is no suggestion that product setup module 409 is, or could be, downloaded to the user computer for execution in the user's browser. In fact, to the contrary, Lavery clearly states that product setup module 409 is "used internally by product specialists". (See col. 10, lines 54-56.) Step 1212 referenced by the Examiner is nothing but the passive displaying of a bitmap or PDF file to the user. There is no suggestion that the user is provided with any tool that would allow the user to directly modify this product design file in any way. (See col. 21, lines 4-17.) Lavery does not disclose providing any product design tools adapted to execute in the browser and to incorporate user content into a selected design template, such as the website studio tools discussed, for example, at page 18, lines 10-17 of Applicants' specification.

Claim 1 further recites, "providing a plurality of template images for viewing by the user of the user computer". In applying Lavery to this feature of the claim, the Examiner refers to "e.g. fig.8" without additional comment. Fig. 8 does not appear to be in any way relevant to this aspect of claim 1. Actually, nothing is seen anywhere in Lavery that teaches the providing a plurality of template images for viewing by the user, such as is shown in the illustrative embodiment depicted in Applicants' Fig. 4B.

Claim 1 further recites, "in response to the user's selection of one of the template images, displaying a product design template associated with the selected template image". In applying Lavery to this aspect of claim 1, the Examiner refers to the Lavery abstract without additional comment. Nothing in the Lavery abstract, or anywhere else in Lavery, discloses the displaying of a product design template to the user in response to the user's selection of a template image, such as is shown in the illustrative embodiment depicted in Applicants' Figs. 4H-4O.

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Claim 1 further recites "allowing the user to provide content for incorporation by the tools into the selected product design template to create an electronic product design". In applying Lavery to this aspect of claim 1, the Examiner refers to "cols. 10-12". As noted above, Lavery does not disclose product design tools adapted to execute in the browser of the user computer and does not disclose displaying a selected product design template to the user. There is, therefore, nothing in Lavery, at col. 10-12 or elsewhere, that in any way suggests "allowing the user to provide content for incorporation by the tools into the selected product design template to create an electronic product design" (emphasis added).

The following additional remarks regarding the Examiner's application of Lavery to dependent claims 2-8 are provided for completeness.

In regard to claim 2, the Examiner states that Lavery teaches that the product design tools of claim 1 are downloaded to the user computer. As noted above, no disclosure regarding downloading of such tools is seen anywhere in Lavery.

In regard to claim 3, the Examiner states that Lavery teaches that the user can upload a created electronic product design over the network to a server. As noted above, Fig. 4 shows that a preview file of the design is downloaded to the user computer, but there is no teaching regarding any method involving the uploading of a created electronic product design from the user computer to the server.

In regard to claim 5, Lavery teaches the server sending a PDF or bitmap image of the product design to the client computer for displaying to the user. This type of file would typically be a WYSIWYG type of representation of the product. Claim 5, however, is directed at displaying the electronic product design in WYSIWYG form using the downloaded tools of claim 1. As noted above, Lavery does not teach

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downloading such product design tools and, therefore, Lavery makes no teaching about using such tools to display an electronic document design to the user.

In rejecting claims 6 and 7, the Examiner refers to col. 8, lines 9-15 of Lavery. Neither the cited section, nor any other portion of Lavery, discloses the elements of claims 6 and 7. As noted above, Lavery makes no teaching about product design templates or the selecting of product design templates and, therefore, Lavery makes no teaching whatsoever about the possibility of modifying "at least one feature of the selected product design template during the product design process", as claimed in claim 6, or the possibility of modifying "at least one feature of at least some of the user content incorporated in the selected product design template", as claimed in claim 7.

In rejecting claim 8, the Examiner refers to col. 4, lines 4-17 of Lavery. The cited section relates to taking a final product design and performing imposition for efficient printing of the product. The cited section has nothing to do with, and makes no teaching regarding, the process of creating the electronic product design or the use of template images or with displaying template images at a reduced size. Nothing in this section, or any other portion of Lavery, teaches displaying template images as claimed in claim 8.

Claims 9-15, for similar reasons as discussed above, are likewise not in any way suggested or disclosed by Lavery.

In light of the above comments, it is respectfully submitted that the inadequacies of Lavery as a reference against claims 1-15 have been clearly established. Favorable action and allowance of the pending claims is respectfully requested.

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If this response requires the payment of any fee, the fee may be charged to
Deposit Account No. 502765.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Dulaney", is written over a horizontal line.

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